

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

RONALD E. AWALT, and
MARY AWALT

VS. No. 02-L-956
(BENZENE)

ALLIED SIGNAL CORPORATION,*
ET AL *

* * * * *

ORAL AND VIDEOTAPED DEPOSITION OF
MYRON A. MEHLMAN, Ph.D.
December 11, 2003

* * * * *

Oral and Videotaped Deposition of MYRON A. MEHLMAN,
Ph.D., produced as a witness at the instance of the
Plaintiffs, and duly sworn, was taken in the
above-styled and numbered cause on the 11th day of
December 2003, from 10:36 to 12:47 p.m., before Tonya
Jackson, CSR, RPR, in and for the State of Texas,
reported by machine shorthand, at Moody Gardens, 7 Hope
Boulevard, Galveston, Texas, pursuant to the Illinois
Rules of Civil Procedure and the provisions stated on
the record or attached hereto.

EXHIBIT

5

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1 Appearances:

2 FOR THE PLAINTIFFS:

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9 Mr. Lawrence A. Lynn
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15 FOR UNITED STATES STEEL and AMOCO:

16 Mr. Adam E. Miller
17 Husch & Eppenberger
18 190 Carondelet Plaza, Suite 600
19 St. Louis, Missouri 63105

20 VIDEOTAPED BY:

21 Ms. Warriene Flatt
22 Legal Images
23
24
25

1 been over 26 years since I used any of the equipment or
2 been instructed or familiarize myself with that
3 equipment. You ask me questions that are not in my
4 domain.

5 Q. And that's all we're trying to establish,
6 Doctor, is what you know sitting here today and what
7 you don't know.

8 A. I answered that several times, what I know and
9 what I don't know.

10 Q. Do you know whether there are any alternative
11 types of equipment that can be used to measure benzene
12 content in a sample of a product such as Liquid Wrench
13 other than a gas chromatograph?

14 A. There are alternatives. I don't recall what
15 they are.

16 Q. Do you know what the relative advantages or
17 disadvantages are of a gas chromatograph as opposed to
18 a different type of equipment that might be used for
19 the test?

20 A. A gas chromatograph is more precise. You can
21 get a more accurate analysis. Can use -- you can also
22 get at the same time many other components if you
23 choose so.

24 Q. Are there issues, when using a gas
25 chromatograph, as to a differentiation between benzene

1 and cyclohexane?

2 A. I wouldn't recall. I know cyclohexane was
3 analyzed also in some products, but the issue isn't --
4 well, there may be time of retention; but I don't
5 recall at this time.

6 Q. Are you aware of whether or not there was any
7 analysis done to determine whether or not it was
8 benzene or cyclohexane that was being detected in the
9 test that's reflected in the documents you've brought
10 us here today?

11 A. I don't think that was an issue. The analysts
12 were -- they knew what they were doing. They had been
13 doing it for many decades, and they're highly
14 professional and experienced chemists that did the
15 analysis.

16 MR. LYNN: Object to the responsiveness.

17 Q. (BY MR. LYNN) Are you aware at all of any
18 issues that can arise when doing a test with a gas
19 chromatograph as to difficulties in distinguishing
20 between cyclohexane and benzene?

21 A. I don't recall at this point.

22 Q. Do you recall ever having any discussions with
23 anyone at Mobil or the labs about confirming whether or
24 not what was being reported as benzene was a benzene
25 result as opposed to cyclohexane?

1 A. There was always a standard that's run that
2 could compare the specific substance to the one that's
3 being analyzed. I do recall that.

4 Q. Do you recall any questions at all regarding
5 cyclohexane in regard to this test?

6 A. I don't recall that.

7 Q. Do you know whether any additional tests are
8 needed to segregate cyclohexane and benzene results
9 when using a gas chromatograph?

10 A. I don't recall that.

11 Q. If any additional tests were done, would you
12 expect that there would be documentation of those
13 tests?

14 A. I would expect that there would be.

15 Q. As of the time that you were at Mobil in 1977,
16 where would those documents be kept?

17 A. Would be in a -- at -- in the files of the
18 analytical laboratory.

19 Q. Do you know what the retention policies were
20 with respect to documents at either Mobil's
21 headquarters or the analytical lab for keeping
22 documents for this type of testing?

23 A. I -- the retention policy, if I recall
24 correctly, was to keep -- at least the toxicological
25 documents that I can speak to, were to keep them for a

1 very, very long time.

2 Q. Would you expect that if there were further
3 documentation of this Liquid Wrench test -- including
4 the protocols, the procedures used, any additional
5 tests done -- that those documents would have been
6 retained?

7 A. I can't answer that. You need to ask the
8 analytical laboratory people who were doing these
9 tests.

10 Q. From your testimony earlier, was a 30 percent
11 benzene level an unexpectedly high level?

12 A. I would say it's unexpectedly high level, yes.

13 Q. Were you surprised by that finding?

14 A. Somewhat. I thought the level was much higher
15 than many other products that I have seen.

16 Q. Did you do anything at that point to see if
17 the result could be verified?

18 A. No, I didn't -- I don't remember doing
19 anything except that we suggested that the product be
20 discontinued at this level of benzene.

21 Q. Did you request any further documentation
22 concerning the test to see whether or not there was any
23 indication whether there might have been any errors in
24 the test?

25 A. I did not request that. I don't think it was

1 needed.

2 Q. Do you know whether there was a subsequent
3 test done to determine whether or not the results could
4 be confirmed?

5 A. My recollection, there was a -- another test
6 was done at a later date; and I don't recall
7 specifically what it was at this moment.

8 Q. Do you recall whether the 30 percent level was
9 ever reproduced?

10 A. I don't recall what -- if it was reproduced or
11 not.

12 Q. Now, 30 percent would be a high enough level
13 that is somewhat memorable; is that --

14 A. It was very --

15 Q. -- correct?

16 A. -- memorable, yes.

17 Q. If you saw another 30 percent test, do you
18 think you would have remembered that there was another
19 test out confirming the 30 percent?

20 A. Well, you're talking about 26 years ago. Not
21 necessarily at this moment. If I saw it at that time,
22 I may or may not; but I don't know. I don't recall
23 that.

24 Q. Do you think you would just remember the first
25 one but you wouldn't remember the confirming test?

1 A. I don't recall at this moment.

2 Q. Okay. Do you remember seeing a test resulting
3 in a 7 percent level?

4 A. Yes, I do remember seeing that 7 percent.

5 Q. Okay.

6 A. Now that you mention, I do remember.

7 Q. Do you recall when the test that you had the
8 7 percent level was done?

9 A. No. It would be approximately the same period
10 of time.

11 Q. Do you know where that test was done?

12 A. I don't recall. There's a memo to that
13 effect, and I'm sure it's -- now that you mentioned it,
14 I do recall that.

15 Q. Do you recall whether it would have been the
16 same laboratory or a different laboratory?

17 A. I have to -- I don't recall. I have to look
18 at the memo and see who did that.

19 Q. Would it concern you at all that there would
20 be such a wide difference between two results?

21 A. No, I wouldn't be surprised. Depends on what
22 stock material is being used.

23 Q. What would account for the differences?

24 A. Well, it depends what's the source of your
25 material. If it -- if you use kerosene or sometime

1 naphtha, the level would be substantially lower than
2 whatever was used in initial products.

3 Q. Okay. Well, if we're talking about two tests
4 done on Liquid Wrench -- one showing 30 percent, one
5 showing 7 percent -- if they're the same product, what
6 would you expect --

7 A. Excuse me. They're not the same product. The
8 name is the same, but the product is different.
9 Depends on the stock material that they used to put in
10 the product. They couldn't be the same product.

11 Q. So, do you have any way of knowing whether or
12 not -- even if the 30 percent test was accurate for the
13 particular sample it was done on, whether or not any
14 other sample of Liquid Wrench would result in the same
15 level?

16 A. I know that 30 percent was accurate at the
17 time it was measured; and if the sample -- a different
18 sample is taken with a different material that was put
19 in it, it would be different.

20 Q. Do you have any way of determining whether or
21 not it would be more likely that different samples of
22 Liquid Wrench would come to the 7 percent or the
23 30 percent?

24 A. I can't -- I don't know. I just --

25 Q. You would have to test each particular --

1 MR. MILLER: He said something completely
2 different from the answer that would have been
3 responsive.

4 MR. HOBSON: Great.

5 A. I just don't understand -- I said I don't
6 understand these questions because I'm not here to
7 testify on anything that you had asked me.

8 Q. (BY MR. MILLER) Okay. I understand that,
9 sir. I --

10 A. Anything you want to ask about hematological
11 effect of benzene and injury and levels, I'll be glad
12 to spend whatever time you want discussing it.

13 Q. Again, Doctor, there's no question pending
14 now.

15 Sir, are you aware of the extent to which --
16 I'm sorry. Hold on just a second.

17 Doctor, are you aware of the extent to which
18 other hydrocarbon substances in a sample might
19 interfere with a determination of the quantity of
20 benzene in that sample?

21 MR. HOBSON: Objection, form.

22 A. I don't recall. I know some discussions
23 were -- took place around that subject matter, and
24 some -- and it was explained to me that there was some
25 modification in columns to get cleaner separations.

1 Q. (BY MR. MILLER) Do you know the extent to
2 which that interference may have affected the
3 reliability of the samples and the results that are
4 reflected in the documents that you've brought to the
5 deposition today?

6 A. Well --

7 MR. HOBSON: Objection, form.

8 A. I don't think the reliability is affected in
9 analyzing from benzene. I think the procedures that
10 they -- Mobil analytical laboratory established was
11 just as good as anybody in the world can do. They
12 discussed it with, long time ago, the American
13 Petroleum Institute meeting with some other oil
14 companies; and they knew of high quality of work that
15 our analytical division or sections -- we had more than
16 one -- were doing. So, I don't think that is even in
17 question.

18 Q. (BY MR. MILLER) I just have a few more
19 questions for you.

20 A. Okay.

21 THE WITNESS: Can we take two-minute
22 break?

23 MR. MILLER: Absolutely.

24 THE WITNESS: Thank you.

25 THE VIDEOGRAPHER: We're off the record